

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Closed Captioning of Internet Protocol-Delivered) MB Docket No. 11-154
Video Programming: Implementation of the)
Twenty-First Century Communications and Video)
Accessibility Act of 2010)

**ORDER GRANTING FURTHER EXTENSION OF TIME TO FILE
COMMENTS AND REPLY COMMENTS**

Adopted: November 6, 2019

Released: November 6, 2019

Comment Date: February 21, 2020

Reply Comment Date: March 6, 2020

By the Chief, Media Bureau:

1. On June 27, 2019, the Media Bureau released a Public Notice¹ seeking comment on a Petition² filed by Pluto, Inc. (Pluto TV) requesting that the Media Bureau grant a limited waiver of the Commission's rules requiring closed captioning of video programming delivered through Internet protocol (IP).³ The Public Notice established July 26, 2019 as the initial deadline for filing comments regarding the Petition, and August 9, 2019 as the initial deadline for filing reply comments. On July 22, 2019, after receiving an unopposed motion for extension of time related to the Pluto TV Petition,⁴ the Media Bureau found the requestors showed good cause and issued an Order extending the date for filing comments and replies to October 24, 2019 and November 7, 2019, respectively.⁵

¹ *Media Bureau Seeks Comment on Pluto TV's Petition for Waiver of IP Closed Captioning Requirements*, Public Notice, DA 19-600, 2019 WL 2715324 (MB June 27, 2019).

² Petition for Waiver of Pluto, Inc., MB Docket No. 11-154 (filed May 15, 2019) (Petition), <https://ecfsapi.fcc.gov/file/10515140142576/5-15-19%20Pluto%20Petition%20For%20Waiver%20As%20Filed.pdf>.

³ 47 CFR § 79.4; Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. No. 111-260, 124 Stat. 2751 (2010) (CVAA); Amendment of Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. 111-265, 124 Stat. 2795 (2010) (making technical corrections to the CVAA).

⁴ Unopposed Motion for Extension of Time, MB Docket No. 11-154 (filed July 18, 2019), <https://ecfsapi.fcc.gov/file/1071817549322/Consumer%20Groups%20Motion%20for%20Extension%20of%20Time%20-%20Pluto%20-%20FINAL.pdf>. The parties filing the motion were Telecommunications for the Deaf and Hard of Hearing Inc., Association of Late-Deafened Adults, Cerebral Palsy and Deaf Organization, Deaf Seniors of America, National Association of the Deaf, and Rehabilitation Engineering Research Center on Technology for the Deaf and Hard of Hearing, Gallaudet University.

⁵ *Order Granting Extension of Time to File Comments and Reply Comments*, DA 19-690, 2019 WL 3315861 (MB July 22, 2019).

2. On October 24, 2019, Telecommunications for the Deaf and Hard of Hearing Inc. (TDI) and Pluto TV (collectively, Requestors) filed an unopposed joint motion to extend the comment and reply comment deadlines by an additional 120 days to February 21, 2020 and March 6, 2020, respectively.⁶ Requestors state that they have “discussed the technological challenges encountered by Pluto as it has been investigating and implementing improvements to its closed captioning functionality” and agree that it is in the interest of consumers to continue the technical review and “collaborate on methods to prevent future technological issues from arising.”⁷ Requestors also state that they are hopeful that a further extension of time will “provide additional opportunity to address” the issues raised in the Petition and “reduce or eliminate the need” for the Petition.⁸ Finally, Pluto TV and TDI argue that the Commission should grant the extension “to ensure that people who are deaf or hard of hearing, the primary beneficiaries of the IP captioning rules under the CVAA, are afforded the best ability to weigh in” on the issues raised in the Petition.⁹

3. As set forth in section 1.46 of the Commission’s rules,¹⁰ it is the policy of the Commission that extensions of time shall not be routinely granted. The Second Motion was filed on October 24, 2019, the current comment deadline. We strongly discourage entities from filing an extension request that close to a deadline, both because other potential commenters would likely already have prepared or filed comments and because such late requests unnecessarily strain Commission resources and the resources of other potential commenters. However, we find that Requestors have shown good cause for the requested extension of the deadlines, as it may allow TDI, a consumer group representing the deaf and hard of hearing community, and Pluto TV to work together to reach a solution to the issues raised in the Petition that is mutually acceptable both to Pluto TV and the deaf or hard of hearing community. We find that extending both the comment and reply comment deadlines will allow commenters to weigh in on any filing made by Pluto TV and TDI as a result of their collaborative efforts. We therefore find that the public interest will be served by granting a 120-day extension of time to file comments and reply comments.

4. Accordingly, **IT IS ORDERED**, that the Joint Motion for Extension of Time filed by Requestors is **GRANTED**.

5. **IT IS ALSO ORDERED** that the date for filing comments on the Petition **IS EXTENDED** to February 21, 2020, and the date for filing reply comments on the Petition **IS EXTENDED** to March 6, 2020.

6. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended,¹¹ and sections 0.204, 0.283 and 1.46 of the Commission’s rules.¹²

⁶ Joint Motion for Extension of Time, MB Docket No. 11-154 (filed October 24, 2019) (Second Motion), <https://ecfsapi.fcc.gov/file/102483248898/10-24-19%20Pluto%20TV%20Waiver%20Petition%20Extension.pdf>.

⁷ See *id.* at 2.

⁸ *Id.* Requestors also state that an extension of 120 days will allow TDI’s counsel, a law school clinic, to involve its next semester’s clinic students in this matter. *Id.*

⁹ *Id.*

¹⁰ 47 CFR § 1.46.

¹¹ 47 U.S.C. §§ 154(i), 303(r).

¹² 47 CFR §§ 0.204, 0.283 and 1.46.

7. For further information concerning this proceeding, contact Maria Mullarkey, Policy Division, Media Bureau, (202) 418-1067, maria.mullarkey@fcc.gov, or Kim Matthews, Policy Division, Media Bureau, (202) 418-2154, kim.matthews@fcc.gov.

FEDERAL COMMUNICATIONS COMMISSION

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